

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

LEE SYNTELL KELLEY,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO.: 6:21-cv-27
(Criminal Case No.: 6:20-cr-1-21)

ORDER

The Court received a document in this matter which the Clerk construed as a Motion for Certificate of Appealability. (Doc. 1304.)¹ This pleading is not a Motion. Rather, it is a Notice of Appeal that was forwarded to this Court from the United States Court of Appeals for the Eleventh Circuit after the Eleventh Circuit received it from Movant Lee Syntell Kelley. (Id.)

To the extent the Notice of Appeal can be construed as a Motion for Certificate of Appealability, the Court denies Kelley's request. Applying the standards set forth in Roberson v. United States, 217-CV-2, 2018 WL 1746132, at *17 (S.D. Ga. Apr. 11, 2018), the Court discerns no certificate of appealability worthy issues, so no certificate should issue. 28 U.S.C. § 2253(c)(1); see Slack v. McDaniel, 529 U.S. 473, 484 (2000) ("Where a plain procedural bar is present and the district court is correct to invoke it to dispose of the case . . . no appeal would be warranted."). Moreover, any motion would be moot because the Eleventh Circuit dismissed Kelley's appeal for want of prosecution. (Doc. 1310.)

¹ All records citations herein are to the docket in Kelley's criminal case.

For all these reasons, the Court **DENIES** Kelley's construed Motion for Certificate of Appealability. (Doc. 1304.)

SO ORDERED, this 25th day of October, 2023.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is stylized with a large "R" and "S".

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA